

### REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed November 2, 2006. Claims 1-3, 5-13 and 15-27 were pending in the present application. Claims 1, 8, 11, 15-17, 21 and 22 have been amended. Claims 2, 3, 12, 13 and 20 have been canceled without prejudice and without disclaimer. No claims have been added. Accordingly, claims 1, 5-11, 15-19 and 21-27 remain pending in the present application after entry of this Amendment. Support for the amended claims can be found in the specification as filed, and no new matter has been added.

Claims 11-13 and 15-17 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1, 2, 5-12 and 15-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Liu et al. (U.S. Patent No. 6,839,680) (hereinafter "Liu"). Claims 3 and 13 were objected to as being dependent upon a rejected base claim, but were found to be allowable if rewritten in independent form. Reconsideration is respectfully requested.

#### Rejection of Claims 11-13 and 15-17 under 35 U.S.C. § 101

Claims 11-13 and 15-17 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 11 has been amended to recite, in part, "a computer readable storage medium encoded with program code." Claims 15-17 have been similarly amended. This type of claim structure has been found to recite statutory subject matter in *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995). Thus, withdrawal of the rejection is respectfully requested.

#### Rejection of Claims 1, 2, 5-12 and 15-27 under 35 U.S.C. § 102(e)

Claims 1, 2, 5-12 and 15-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Liu. In light of the amendments to the claims and the following remarks, the Examiner's rejections are traversed or moot.

#### Claims 1, 2, 5-10 and 20-23

Solely in order to expedite prosecution, claim 1 has been amended to include the limitations formerly recited in claims 2, 3 and 20, and claims 2, 3 and 20 have been canceled. It

is to be understood that the amendments to claim 1 have been made to pursue a speedy allowance and not as a concession on the merits of the rejections.

In view of the Office Action's statement that claim 3 was found to be directed to allowable subject matter, Applicants respectfully submit that claim 1, as amended, is patentable. Further, claims 5-10 and 21-23 depend from claim 1 and therefore are also patentable.

Claims 11, 12 and 15-18

Solely in order to expedite prosecution, claim 11 has been amended to include the limitations formerly recited in claims 12 and 13, and claims 12 and 13 have been canceled. It is to be understood that the amendments to claim 11 have been made to pursue a speedy allowance and not as a concession on the merits of the rejections.

In view of the Office Action's statement that claim 13 was found to be directed to allowable subject matter, Applicants respectfully submit that claim 11, as amended, is patentable. Further, claims 15-18 depend from claim 11 and therefore are also patentable.

Claims 19 and 24-26

The Examiner's rejection of claims 19 and 24-26 is traversed. Claim 19 describes a guided clustering process that takes as input a plurality of items and a "first hierarchy, the first hierarchy including at least a parent category and a child category." The clustering process results in a second hierarchy that includes "one or more additional categories coupled to the first hierarchy, at least one of the one or more additional categories being a second child category of the parent category of the first hierarchy." Thus, the clustering process creates at least one new "sibling" category of the first child category.

Liu does not disclose or suggest such a method. Rather, Liu merely teaches a technique for subdividing an existing category in a category tree into subcategories:

When one unsubdivided category becomes too heavy, four things happen:  
Sample documents from the growing category are collected by statistical sample.  
Key phrases are identified from sample documents.  
An algorithm searches for features (such as key phrases) to identify one or more new

subcategories.

Central ProReach administrators are alerted to the new subcategories so as to approve or disapprove of the inclusion. Col. 45, lines 43-51

The above process only takes as input "sample documents... collected by statistical sample." Thus, Liu fails to teach or suggest a clustering process that also takes as input a first hierarchy. Furthermore, Liu only refers to splitting "heavy" categories into a number of new subcategories. Nowhere does Liu suggest that a new category may be created as a sibling of an existing category. Thus, Liu fails to teach or even suggest a clustering process that takes as input a "first hierarchy, the first hierarchy including at least a parent category and a child category" and results in a "second hierarchy including... one or more additional categories coupled to the first hierarchy, at least one of the one or more additional categories being a second child category of the parent category of the first hierarchy" as recited in claim 19.

For at least the foregoing reasons, claim 19 is patentable over Liu and the rejection should be withdrawn.

Claims 24-26 depend (either directly or indirectly) from claim 19 and are thus patentable for substantially the same reasons as claim 19, as well as for the additional limitations they recite.

Claim 27

The Examiner's rejection of claim 27 is traversed. Claim 27 recites a clustering process that takes as input a plurality of items and an initial organization structure, where "at least a first one of the items is not associated with any of the categories of the initial organization structure." A resulting organization structure includes "a modification to the initial organization structure such that the first one of the items is associated with at least one of the categories in the resulting organization structure."

Liu does not teach or suggest the above. As described previously, Liu fails to disclose or suggest a clustering process that takes as input an initial hierarchy or organization structure. Further, Liu makes no reference to the specific concept of taking an item and initial organization structure where the item cannot be associated to the initial structure, and creating a new organization structure that accommodates the item. At most, Liu teaches generating subcategories, but all of the documents to be subcategorized are already associated with the initial category. Liu provides no teaching related to documents that are not associated to an initial category.

For at least the foregoing reasons, claim 27 is patentable over Liu.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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